

CHAPTER 6

DOOR-TO-DOOR SOLICITATION

SECTION

9-601. Purpose.

9-602. **All Solicitation Prohibited by Posting of "No Solicitation"**

9-603. No Solicitation List.

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9-601. Purpose.

The purpose of this chapter is as follows:

- (1) To provide for the health, safety and welfare of the citizens of the Town of Smyrna;
- (2) To balance the First Amendment rights of residential commercial solicitors with the privacy, safety, health and welfare of the residents within the Town of Smyrna;
- (3) To prohibit commercial solicitations at residences where the owner or occupant has prohibited solicitation in a manner consistent with the provisions of this chapter.

9-602. Commercial Solicitation Prohibited by Posting of "No Solicitation".

No commercial solicitor shall enter or remain upon any private premises in the Town where a residence has been identified on the registry for "No Solicitation" or if a sign is clearly posted or placed at or near the entrance(s) to such premises or, in the case of a multi-family dwelling, at or near the entrance(s) to such individual dwelling;

9-603. No-Solicitation List.

- (1) The Town may establish a no-solicitation list allowing any owner or lawful occupant of any residence within the Town to prohibit commercial solicitation at said residence by registering the address with the Town. Each individual residence must be identified and shall not be listed as a group, subdivision or complex. Such registration shall take effect as soon as it is noted on the Town's no-solicitation list.
- (2) If the Town establishes a no-solicitation list, the Town shall maintain and publish on the Town's website and have available at the office of the Town Clerk such no-solicitation list consisting of all addresses that have been registered thereon.

(a) Such list shall be made available without charge to any person requesting same. No person shall be required to provide identification as a condition of obtaining a copy of such list.

(b) The Town will make the necessary arrangements to periodically update the no-solicitation list.

(c) Notwithstanding subsection 2(b), each address appearing on the no-solicitation list will remain on the list until removed by the occupant.

(3) Each permit holder shall be responsible for obtaining and reviewing a copy of the no-solicitation list immediately upon issuance of a permit under this chapter and at such intervals thereafter as may be reasonably necessary to ensure compliance with the requirements of section (4) of this ordinance.

(4) As of the effective date of the registration of a residential address under section (3) of this ordinance, door-to-door commercial solicitation at such address shall be prohibited until such time, if at all, that the address has been deleted from the no-solicitation list.

(5) Neither the Town nor any of its officers, employees, agents or authorized volunteers shall be liable to any person for any injuries, damages or liabilities of any kind arising from or relating to any errors or omissions that may occur in compiling or maintaining the no-solicitation list.

9-604. Enforcement.

It shall be the duty of the police department and/or codes department to see that the provisions of this chapter are enforced. Should a contradiction arise between another chapter of Title 9 and this chapter, the provisions of this chapter shall take precedence.

9-605. Violation and Penalty.

In the event complaints have been identified as creating a nuisance to the community, the Town Manager may revoke the permit(s) of the represented commercial business, along with all permits for solicitation under the direction of the company/proprietor, for up to twelve (12) months. In addition to any other action the town may take against a permit holder in violation of this chapter, such violation shall be punishable under the general penalty provision of this code. Each day a violation occurs shall constitute a separate offense.